HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25310 of 2004

Dated:23.11.2006

Between:

Gadde Gopala Krishna Murthy and others.

…Petitioner

and

State of A.P., and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25310 of 2004

ORDER:

The seven petitioners seek a writ of mandamus declaring the action of the respondents in seeking to dispossess them from the agricultural lands comprised in Survey Nos.127, 261, 264, 265, 133/2, 133/3 and 262 of Chillakallu Village, Jaggaiahpet Mandal in Krishna District, and for a consequential direction to the respondents not to dispossess them. This Court while ordering notice ordered *status quo* on 17.01.2005.

An application is moved by the respondents for vacating the interim order. The Writ Petition is heard finally as the submissions for the purpose of the main case as well as the interlocutory matter are the same.

It is the case of the petitioners that they purchased the land in 2002, that their vendors were in possession of the land since 1957, and that at the behest of the rival group in the Village, the second respondent threatened to dispossess the petitioners alleging that the land was initially assigned to the members of the Field Labour Co-operative Society. They also further allege that without initiating action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), and the Andhra

Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short 'the Rules'), in the third week of December 2004, the respondents threatened to dispossess them, aggrieved by which, the present Writ Petition is filed.

In the counter affidavit filed by the Mandal Revenue Officer, Jaggaiahpet, it is stated that the land was assigned to Field Labour Co-operative Society, which was subsequently cancelled by the proceedings dated 12.05.1989. However, as it was found that 41 of the members belonging to the said Society are landless poor persons and the land belongs to the Government, the land was reassigned to those poor persons. The petitioners purchased the land from the vendors, who had no title to the land. Therefore, action was initiated to resume the land from the possession of the petitioners under the Act and the Rules. The petitioners approached this Court even before issuance of the show cause notices. It is further averred that the Mandal Revenue Officer has issued show cause notices to the petitioners and duly served them on 06.01.2005. The other allegations are denied.

The grievance of the petitioners is that without following due process of law as contemplated under the Act and the Rules the respondents are dispossessing them. This is denied in the counter affidavit asserting that the show cause notices were served on them on 06.01.2005. Therefore, the petitioners can approach the Mandal Revenue Officer, obtain the copies of the show cause notices and submit their explanations within a period of two weeks from the date of receipt of a copy of this order. As and when such explanations are submitted, the Mandal Revenue Officer may consider the same and pass appropriate orders under Section 4 of the Act. Till such orders are passed, the petitioners shall not be dispossessed.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

23.11.2006
vs